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**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Applicant: WATKINS, Jeffry D., et al.

Serial No.: 10/553,938

Application Date: October 21, 2005

For: CD20 Binding Molecules

Docket No.: X-16760A

Group Art Unit: 1644

Examiner: Schwadron, Ronald B.

Conf No.: 8652

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS**  
**FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE**  
**AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Mail Stop Sequence

Sir:

This is in response to a "Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures" dated January 6, 2010, noting the absence of an acceptable Sequence Listing.

Enclosed herewith are:

- 1) a copy of the Notice;
- 2) a computer-readable copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(e); and

- 3) an Amendment amending the specification to include the sequence listing.

Respectfully submitted,

/Robert L. Sharp/  
Robert L. Sharp  
Attorney for Applicants  
Registration No. 45,609  
Phone: 317-651-1541

Eli Lilly and Company  
Patent Division  
P.O. Box 6288  
Indianapolis, Indiana 46206-6288

January 11, 2010



# UNITED STATES PATENT AND TRADEMARK OFFICE

2/6/10

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,938	10/21/2005	Jeffrey D. Watkins	X-16760A	8652

25885 7590 01/06/2010  
ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS, IN 46206-6288

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JAN 06 2010

ELI LILLY AND COMPANY  
Patent Division

EXAMINER
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SCHWADRON, RONALD B

ART UNIT	PAPER NUMBER
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1644

NOTIFICATION DATE	DELIVERY MODE
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01/06/2010

ELECTRONIC

*Due 2-6-10*

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@lilly.com



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10553938	10/21/2005	WATKINS ET AL.	X-16760A

ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS, IN 46206-6288

EXAMINER

Ron Schwadron, Ph.D.

ART UNIT

PAPER

1644

201001

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

**As per 37 CFR 1.823(b), "artificial" as recited in the SEQ. listing in section <213> should be "artificial sequence".**

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Ron Schwadron, Ph.D.  
Primary Examiner, Art Unit 1644

/Ron Schwadron/  
Primary Examiner, Art Unit 1644

<b>Notice to Comply</b>	Application No. 10553938	Applicant(s) WATKINS ET AL.	
	Examiner Ron Schwadron, Ph.D.	Art Unit 1644	

  

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951  
 For CRF Submission Help, call (571) 272-2510  
 PatentIn Software Program Support  
 Technical Assistance, 1-866-217-9197 or 703-305-3028 or 571-272-6845  
 PatentIn Software is Available At [www.USPTO.gov](http://www.USPTO.gov)

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

# COUNT SHEET FOR SEQUENCE CASES

Serial No. 10/553938

AE \_\_\_\_\_

Date of Count \_\_\_\_\_

Mark only one space below

\_\_\_\_\_ (CRFN) (CRF is unreadable; use CRF Diskette  
Problem Report)

\_\_\_\_\_ **XXXXX** (CRFD) (CRF does not comply; use Notice to  
Comply)

\_\_\_\_\_ (CRFR) (CRF required but none submitted;  
use Notice to Comply)

\_\_\_\_\_ reporting bona fide attempt to comply;  
use Notice to Comply and send copy  
of RSL)

\_\_\_\_\_ (non bona fide) (second or subsequent letter to  
applicant reporting non-bona fide  
attempt to comply; use  
Notice to Comply and send  
of RSL)

Examiner's Name: Ron Schwadron, Ph.D.

GAU: 1644